



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,298	01/31/2001	Brian Mark Shuster	409475-11	6400

7590 09/20/2004

O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, CA 90071-2899

EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,298

Applicant(s)

SHUSTER ET AL.

Examiner

Geoffrey Akers

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is issued in reply to applicant's amendment dated 7/2/04.
2. Claims 1-19 have been cancelled. New claims 20-39 have been added.
3. New claims 20-39 are pending.

Claim Rejections - 35 USC § 103

4. Claims 20-39 are rejected under 35 USC 103(a) as being unpatentable over "Microsoft Press Computer Dictionary, Third Edition" Microsoft Press, 1997(Microsoft Press) in view of Lichty, Tom; Watson, Jennifer; "The Official America Online Tour Guide" The Coriolis Group Inc; 1998(AOL98) and further in view of Mann(US Pat. No: 6,298,341).

.....

5. The disclosures of Microsoft Press combined with AOL98 encompasses all the aspects of the claimed invention. Microsoft Press discloses (page 506) "Many large corporations will have a Web site. An HTTP server can also serve several small Web sites such as those owned by individuals. A user needs a web browser and an internet connection to access web sites." This disclosure encompasses applicant's inventive aspect of acquiring registration authority over all Internet sub-domain names from an owner of a domain name and the subsequent assignment of domain names configured to a domain name system. The corporation presented in this disclosure encompasses America Online(AOL) as discussed in AOL98. AOL98 teaches(pages 111-131) the functionality, sale and use of domain names and the Internet. Also disclosed is the

Art Unit: 3625

functionality of individual users registering as AOL users and developing individual user home pages. A buyer registering and becoming an AOL user encompasses the sale of sub-domain names for use by buyers. Each user is provided with the capacity to create his own individual home page and sub-domain name. In addition to that taught by Microsoft Press and AOL98, Mann further teaches maintaining a database of sub domain labels on the server and allowing a user to relate user selected sub domain labels with user selected ones(Fig 3A/S3-3/S3-5) as well as online purchasing of domain names(Fig 4/S4-4) and registration transactions(Fig 4/S4-5) for qualified names(Fig 4/S4-3) as well as providing an interface interoperable with the database(col 3 lines 35-60).

AOL98 further teaches (page 120) "Your Personal Home Page. As a member of America Online, you can have your own website with your own homepage. AOL even offer a number of tools to help you construct and maintain it."

AOL98 further teaches(page 120) "Your Web page will reside within the [http://members . aol . com/domain](http://members.aol.com/domain) with your screen name appearing after the concluding slash."

AOL98 teaches registering with the AOL service(pp 438-443).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine the disclosures of Mircropress Press in view of AOL98 and further in view of Mann to explicitly disclose the claimed aspects of applicant's invention. The motivation to combine is to provide a domain name service by a domain name manager to users of the Internet requiring Internet use.

Conclusion

6. THIS ACTION IS MADE FINAL.

Questions regarding this communication may be addressed to the primary examiner, Dr. Geoffrey Akers, P.E., who can be contacted at (703)-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If attempts to reach the primary examiner are unsuccessful, the examiner's supervisor, Mr. Vincent Millin, may be telephoned at (703)-308-1065.



September 15, 2004

**DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER**